

App. F. IX-4

Previous References.

1948

(CB)

File No. 478-28

Serial Nos. 1

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one

Part B for March 1949

SUBJECT

Allegations against the First Class Magistrate
Bangalore city.

no. 7360/CB

d. 8. 3. 49

To

The Deputy Commissioner

Bangalore District Urban.

Bangalore.

Direct that Allegations made against the
Magistrate are false and the facts may
be communicated to the High Court.

Sd/- 2/4.

DEWAN'S MINUTE

FILE No.

194

Consequent on a letter (signed) received by me containing allegations against the first class magistrate Bangalore regarding improper conduct on his part with regard to a female who was before court in a case of kidnapping, I sent for the prosecuting suspected, the Manager and the Bench clerk and individually examined them. Their statements were subsequently signed before my private Secretary.

The Hon Law Minister Mr. K.T. Bhalgare also brought these same allegations made to him by a prominent lawyer, to the notice of the Ministers.

From my personal examination of the witnesses I am completely satisfied that the allegations are utterly false and malicious. What action should be taken against the writer, if the signature of the letter is genuine, will be considered.

ARM

3/9

Circulate to all ministers. Circulated ^{P.S.} _{7/9/48}

Chief Minister

¹⁵⁹⁵
7.9.48 Minister for Finance and Industries H.D. 7/9/48

Minister for Law and Labour K.T.B. 8/9Minister for Public Works and Agriculture H.D. 8/9

²³³²
8/9/48 Home Minister M.H. 8/9

¹⁰⁹⁸
10.9.48 Minister for Local Self-Government H.D. 10/9/48

Minister for Public Health and Excise H.D.Minister for Education H.D. 12/9/48Minister for City Municipalities and Muzrai P. Chetty 12/9

CB
1781
4.9.48

CB
Immediate.
4.9.48

7/9.

Confidential
in file cover.

The writer who has made this baseless allegation, should be found out if possible and action taken.

C.362 < The letter in question referred to, by the Dewan in
his minute, is not with these papers.

What further action, if any, may be taken
by the writer of the said letter, is for consideration &
order.

Mm L & L }
2 Chit min }
2 Dewan }
tho P.S.D. ✓

WJ
29/10/49
29/10

Submitted
By
10.2.49.

Chief Secretary's instructions:

"Put up the file relating to the
allegations against Mr. Subbiah, Magistrate
with the letter of the Bangalore Dy.
Commissioner received recently."

Subd

for

6/11

Subd

2) The entire file with the State-
ments enclosed has been sent
to The private Secretary to
Dewan on 29.10.48 with the
dy. No. 2693
CB.

for

6/11

6/11/48

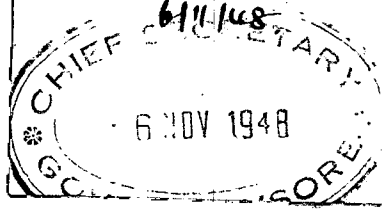
Chief Secy

for 6/11/48

11/6

6/11

6/11/48



Submitted.

The file referred to has not
yet been received.

for

8/2/49.

Pr. Secy
to Dewan
etc

DMR

8/2/49

for

8.2.49

Submitted
like the linked file.

for

10.2.49.

I have personally conducted an
enquiry immediately and concluded
that the allegations were false.

DEWAN'S OFFICE

9 FEB 1949

No. 4001

Submitted to

Chief Secy

for 3/3

for 3/3

Repl. to go to
D.C. Urban.

11/6

24/3

Allegations against my comm
First Majestah - B're. L. by 3738
CB

Wft. reply to a.c. ustan is
put up (Chief Secy) amr
5/3/49

AKO
5/3/49

Ind
5.3.49.

HP
573
for [signature] before

HP
573
amr



Letter No 7360/CB dt 8/3/49

to the my comm Bangalore dt

B

N. PUTTARANGASWAMY, B.Sc.,
Collector.
Dy. Commissioner.

D. O. 7424-J1-48-49.

Enc. 1

2096
CB
Dy. Commissioner

OFFICE OF THE ~~DEPUTY~~ DIRECTOR AND DT. MAGISTRATE,
CIVIL ~~SECTION~~, BANGALORE. Dt. (Urban)

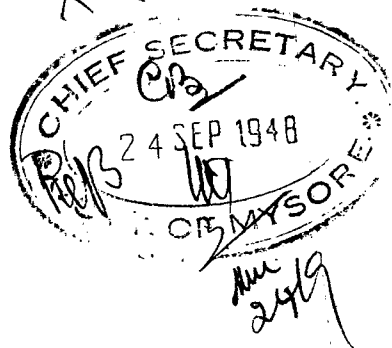
Dated 22nd September: 1948

CONFIDENTIAL.

Heav Sri Vasanayacharya,

I enclose herewith a copy of the letter received from the Registrar, High Court of Mysore, Bangalore together with a copy of the petition for favour of perusal of Government. I have also received a reminder from the Registrar in this connection for expediting my report. I understand that Government have already held an enquiry into this matter on some petition submitted direct to the Dewan and I am not aware of the result of such enquiry. I have also received a petition signed by one K. Rama Rao direct, but I have not taken any action with reference to the petition received from the Registrar and also on the petition received by me, in view of the fact that enquiries were made by Government in this matter. I therefore solicit instructions from Government as to the action, if any, to be taken by me and as to the reply to be sent to the Registrar of the High Court in connection with the reference

P.T.O.



received by me.

Yours Sincerely

Ch. Venkayya

Sri V. Vedvyasacharya, B.A.,
Chief Secretary to the Govt. of Mysore,
Bangalore.

CONFIDENTIAL.

Copy of letter No.R.O.C. Petn.32/48-49 dated 7th Sept. 48 from the Registrar, High Court of Mysore, Bangalore to the Dt. Magistrate, Bangalore Dt.(Urban).

I am desired to send herewith for confidential enquiry and immediate report, a copy of the petition dated 1-9-48 received ~~xxx~~ by post from one K. Rama Rao making certain allegations against the First Magistrate, Bangalore City.

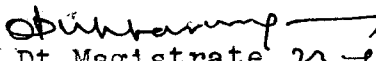
Copy of petition dated 1-9-48 from K. Rama Rao addressed to Sri K.C. Lingiah Gowder, Registrar, High Court of Mysore, Bangalore.

This is to bring to your kind notice the moral and professional misbehaviour of the First Magistrate, Bangalore City, and requesting you to take such steps as would set right the rotten and corrupt state of affairs in this Holy and Sacred place of Justice.

That on 31st of August 1948, the Anekal Police produced before the said Magistrate an accused along with a minor girl of about 16 years concerned in a kidnapping case of Kankanhalli Taluk. The above said Magistrate detained the girl from 11 A.M. till 5 P.M. that day on the ground that he would record her statement. After ~~xxxxxx~~. 5 P.M. when the work of the Court was over, he sent for the girl and she was taken into the chamber and she remained with him till 7-30 P.M. During this period all the servants of the Court and the staff were sent away and the windows and the doors of the court premises and the chamber were closed. The peon was specially instructed not to allow any one into the building.

He has committed the offence of rape on the said girl in the chamber. The matter may kindly be investigated in the interest of JUSTICE, MORALITY AND INTEGRITY OF THIS SACRED DEPARTMENT.

"Copy"


Dt. Magistrate, 23-9
Bangalore Dt. (Urban).

CONFIDENTIAL:

No 7360/CB

8th March 4

4

The Deputy Commissioner,
Bangalore District (Urban),
BANGALORE.

Subject: Allegations against the First Magistrate,
Bangalore City.

With reference to your letter No. 7424-J-48-49 dated 22nd September 1948 on the above subject, I am directed to state that Government held an enquiry immediately after receiving a petition containing allegations against the First ~~Class~~ Magistrate, Bangalore City, in September 1948, and have come to the conclusion that the allegations made against the officer are ~~is~~ false. This result of the enquiry made by Government may be communicated to the High Court.

Yours faithfully,

sumr
8/3/49
Chief Secretary to Government.
CKO

SUBJECT..... *Allegations against the*
First Magistrate Bangalore

Section

Confidential File No.

Serial No.

Diary No. of letter replied to.....

No.

To

General and Revenue Secretariat

()
the 19

*The Dy Commr
Bangalore (Urban)*

Date of issue.....

Six

Signed by.....

*With ref to your
letter No 7424 - J - 48-49
of 22-9-1948 on the above
subject, I am directed to
state that Govt held
an enquiry immediately
after receiving a petn
containing allegations
against the
First ^{class} Magistrate, Bangalore
city, in Sept 48, and
have come to the conclusion
that the allegations made
against the officer are
false. The results of the
enquiry ^{made by Govt} may ~~be~~ be
communicated to the*

List of enclosures.....

Copied by.....

Examined by.....

6

High house L.

yours faithfully

16/5/3

sent 5/3/49 by day of Mr. Ekb

Li
5.3.49

N. PUTTARANGASWAMY, B.Sc.,

Collector.

District Magistrate.

D. O.

7424-J1-48-49.

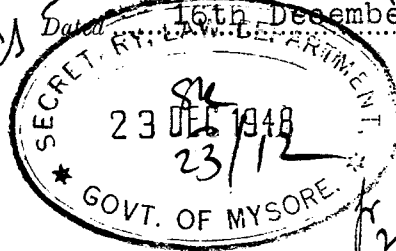
CONFIDENTIAL.

OFFICE OF THE COLLECTOR AND DT. MAGISTRATE,

CIVIL STATION, BANGALORE. Dt.

(Urban)

Dated 16th December 1948



Dear Sri Srinivasan,

Please refer to my D.O.No.7424-J1-48-49

dated the 22nd September 1948 and my personal discussion with you on the 5th November 1948 soliciting instructions from Government as to the action, if any to be taken by me and as to the reply to be sent to the Registrar of the High Court of Mysore, Bangalore in connection with the reference received by me from the High Court in respect of a petition from Sri K. Rama Rao making certain allegations against the First Magistrate, Bangalore. As a report is due to the High Court and as the Registrar has sent a reminder, I request that the orders of Government may kindly be obtained and communicated to me early.

Yours sincerely,

[Signature]
- 18/12

Sri K. Srinivaasan, B.Sc.,
Chief Secretary to the Govt. of H.H. the
Maharaja of Mysore,
Bangalore.

[Handwritten note:] No previous references are available in this office.

13/6
Lawley was
in C.B.
21-12-48

11/5
and
21/12/48

Statement of S. Vasupal Rao, Prosecuting Police Inspector⁸
First Magistrate Court, Bangalore - 3.9.48.

I was on duty as a prosecutor in the Court of the First Magistrate, Bangalore on 31.8.48 from 11 A.M. to 5.30 P.M. The Police Daffadar of Bannerghatta Anekal Taluk produced an accused person concerned in Case of kidnapping of 363 of Kankanhalli Taluk having arrested him in Anekal Taluk for the purpose of taking Remand to hand him over to Kankanhalli Police. Along with the accused the girl kidnapped was also produced. When the Remand application was being taken up by the learned magistrate for passing orders the said girl who was before Court volunteered to make a Statement of hers and was a matter of fact forced up on the Court to record her Statement. In the meanwhile I, as a prosecutor in order to safeguard the interest of the Case, thinking that the girl under the influence of accused may not come forward with the true events of the Case made a protest before the learned magistrate not to record the Statement of the said girl. But the learned Magistrate using his discretion of 164 Cr.P.C. recorded her Statement.

As there was heavy work in the Court the statement was recorded by about 5 P.m. on the day. I was present in the Court hall when the statement was being recorded, the girl ~~stare~~ was standing near the door of the door of Chambers of the magistrate leading to the Court hall. The doors and windows of the Court hall, Chambers, and the office were all open. The head clerk, the Bench clerk, ~~the~~ Court ^{Defendant of Bannarghatla, uncle of the girl and accused.} daffadar, peons and others ^{members} of the Court Staff were present in the Court then. At about 5.30 P.m. after my work was over I left the Court when the recording of the statement was not yet completed.

S. Chappaloo
3.9.98

Before me
J. V. V. V.
3/9/48.

Statement by G. M. K. Choudary
Head clerk, First Magistrate's Court,
Bangalore, dated 3rd Sept. 1948.

I am the head clerk in the above court. On 31st August 1948 one minor girl and an accused person involved in a kidnapping case were produced by the Hukkal Police before the Magistrate. The Magistrate remanded the accused as per police requisition. The girl expressed her desire to make her statement and the statement had to be recorded by the Magistrate. The Prosecuting Inspector attached to our court objected to the recording of the statement in this case. After the work of the court was over, the girl appeared before the Magistrate. The Magistrate commenced recording her statement at about 5 P.M. in the Chamber and it lasted till 6.45 P.M. All the doors of the Chamber were open. The girl was standing on the threshold and made her statement. She was visible to me and any body could see her. The Police Daffadar who produced the girl and the accused Police constable, ^{and} another person said she a relative of the girl.

were also present at that time.
All could see the girl. After
recording was over, I went with
Charles to Seat the Court for
forwardal to the judicial
magistrate the next day. We
left the office at about 5 P.M. and

Gus Chowday

3/9/1948

~~It is not a statement of fact~~

Before me

J. V. Reed

3/9/48.

15

Translation of statement of C. Muddiah, Clerk of the First Magistrate's Court, Bangalore, dated 3.9.'48.

On 31.8.1948 the Police Daffadar of Anekal Taluk brought a kidnapped girl and an accused before the Court at 2 P.M. with a remand application. He asked for a remand. The Magistrate asked the Daffadar to wait a little as he wished to look into the case file. Then he produced the girl and the accused. The girl thereafter requested the Magistrate to record her statement which she would make voluntarily. The Magistrate said that he would take her statement but she might wait a little. At 5 P.M. the Magistrate commenced recording the girls' statement in his chambers. Then I was writing the Court diary in the Court Hall. All doors of the Court were open. Girl's uncle, the Court orderly, Court Daffadar were present there. The recording was completed at 6.30 p.m. I waited till the Magistrate left the Court and then I left the Court. This is all my statement.